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Security Council

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Working Group on Children and Armed Conflict

Conclusions on children and armed conflict in the Democratic Republic of the Congo

1. At its 19th meeting, on 19 December 2008, the Working Group on Children and Armed Conflict examined the report of the Secretary-General on Children and Armed Conflict in the Democratic Republic of the Congo (S/2008/693), which was introduced by the Special Representative of the Secretary-General for Children and Armed Conflict. The Permanent Representative of the Democratic Republic of the Congo to the United Nations participated in the subsequent discussion.

2. The main elements of the exchange of views among the members of the Working Group are summarized below.

3. The members of the Working Group welcomed the submission of the report of the Secretary-General in accordance with Security Council resolution 1612 (2005), and the analysis and recommendations contained therein met with a generally favourable response.

4. The members of the Working Group welcomed the initiatives taken to accelerate the release of children and increase the number of children benefiting from the appropriate rehabilitation and reintegration programmes in the Democratic Republic of the Congo, and welcomed the efforts undertaken in the field of justice and reconciliation mechanisms with a view to ending impunity for crimes affecting children.

5. They expressed grave concern, however, regarding the high number of child soldiers remaining in armed groups and the reports of new recruitments; the high number of children killed and maimed intentionally; the major issue of persistent widespread sexual violence, noting the extremely high rate of cases in the Kivus; abductions; the increase in attacks against schools and hospitals; and the fact that impunity still prevailed in most cases.

6. They also expressed their concern regarding the deterioration of the situation of children in some regions of the country, notably in the provinces of North and South Kivu.

7. Finally, they expressed the wish for enhanced cooperation between the Child Protection Section of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), the United Nations Children's Fund (UNICEF)

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and the authorities of the Democratic Republic of the Congo to better address child protection challenges in the country.

8. The Permanent Representative of the Democratic Republic of the Congo:

(a) Reaffirmed the commitment of the Government of the Democratic Republic of the Congo to fully cooperate with the Working Group and the Special Representative of the Secretary-General and to implement the recommendations of the Secretary-General and the conclusions of the Working Group, taking also into account the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (Paris Principles);

(b) Explained the decrease in the number of allegations related to the six grave violations and abuses committed against children that are reported and monitored by the Secretary-General and mentioned in the report, owing to the decrease of violence in the territory of the Democratic Republic of the Congo in the reporting period (June 2007 to September 2008), stressing at the same time the deterioration of the security situation in some regions of his country;

(c) Affirmed that, with regard to the current situation on the ground, the last conclusions of the working group remained pertinent;

(d) Reiterated the interest of his Government to act upon its arrest warrants for Laurent Nkunda;

(e) And, finally, reiterated his invitation to the Special Representative of the Secretary-General to visit his country.

9. The members of the Working Group agreed in later discussions to take into consideration the recent developments on the ground in the Democratic Republic of the Congo that had taken place since the submission of the report of the Secretary-General.

10. Further to the meeting and subject to and consistent with applicable international law and relevant Security Council resolutions, including Security Council resolution 1612 (2005),[1] the Working Group agreed to the following direct action.

Public statements issued by the Chairman of the Working Group

11. The Working Group agreed to address messages to all the parties to the armed conflict in eastern Democratic Republic of the Congo, in particular the Congrès national pour la défense du peuple (CNDP), the Forces démocratiques de libération du Rwanda (FDLR), Mayi-Mayi armed elements and the Coalition des patriotes résistants congolais (PARECO), as mentioned in the report of the Secretary-General, through public statements by its Chairman on behalf of the Working Group:

(a) *Recalling* its strong condemnation of the recruitment and use of children by armed groups, in violation of applicable international law, and all other violations and abuses committed against children in the Democratic Republic of the Congo, emphasizing the need to bring to justice perpetrators of such crimes;

(b) *Recalling* also that Security Council resolution 1857 (2008) renewed until 30 November 2009 the financial and travel measures imposed by resolution

[1] A similar formulation will appear at the beginning of every letter issued by the Chairman.

1807 (2008), which apply to individuals and, as appropriate, entities, as designated by the Committee, which include, inter alia:

(i) Political and military leaders operating in the Democratic Republic of the Congo and recruiting or using children in armed conflict, in violation of applicable international law;

(ii) Individuals operating in the Democratic Republic of the Congo and committing serious violations of international law involving the targeting of children or women in situations of armed conflict, including killing and maiming, sexual violence, abduction and forced displacement;

(c) *Stressing* that in its last conclusions on the situation of children in the armed conflict in the Democratic Republic of the Congo, the Security Council Working Group decided to inform the Chairman of the Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo of its grave concern regarding the repeated violations committed against children by those mentioned in the previous report of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo (S/2007/391);

(d) *Calling* their attention to the fact that the Security Council has received a new report of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo;

(e) *Recalling* their commitments for the protection of children, to end the recruitment and use of children and to release all children still within their ranks, in accordance with the statements of commitment in February 2008;

(f) *Expressing* deep concern about the fact that, despite those commitments and the repeated calls by the Security Council for the full implementation of its resolution 1612 (2005) by all parties to conflicts, they continued to recruit and use children and had failed to release all the children present in their ranks;

(g) *Urging* them to fulfil without any further delay their commitments for the protection of children, to end the recruitment and use of children, to release all children still present within their ranks in a manner that allows effective confirmation by the United Nations country-level task force on monitoring and reporting and to develop as soon as possible a time-bound action plan in line with Security Council resolutions 1539 (2004) and 1612 (2005);

(h) *Emphasizing* that the full implementation of an action plan in line with Security Council resolutions 1539 (2004) and 1612 (2005), confirmed by the task force on monitoring and reporting, is a step for a party to conflict to take in order to be de-listed from the annexes to the report of the Secretary-General on children and armed conflict;

(i) *Taking note* of the recent releases of children by those groups that are in the process of integration into the Forces armées de la République démocratique du Congo (FARDC) or in the process of laying down arms, encouraging further releases and requesting those armed groups to ensure as a matter of priority that all children still present in their ranks have access to a formal process of disarmament, demobilization, repatriation, resettlement and reintegration;

12. The Working Group also agreed to address messages to the head of the Lord's Resistance Army (LRA) delegation in Nairobi through the Office of the Special

Envoy of the Secretary-General for the Lord's Resistance Army-affected areas, through public statements by its Chairman on behalf of the Working Group:

(a) *Recalling* its recent conclusions on children and armed conflict in Uganda (S/AC.51/2008/13) and all the requests to the LRA contained therein, as well as the provisions regarding children contained in the presidential statement of the Security Council contained in document S/PRST/2008/48;

(b) *Strongly condemning in particular* the recent cases of large-scale abductions of children by the LRA in villages in the Orientale Province of the Democratic Republic of the Congo, and strongly urging it to release them immediately and unconditionally;

(c) *Recalling* the obligations of the LRA under the Agreement on Disarmament, Demobilization and Reintegration signed in February 2008, and noting specifically that the recruitment and use of children is a violation of international law;

(d) *Expressing its dismay*, and *strongly condemning* the continued recruitment and use of child soldiers and all other violations and abuses committed by the LRA in recent months, including the killing and maiming of children, rape and other sexual violence, abductions and forced displacement, in particular in south Sudan, the Democratic Republic of the Congo and the Central African Republic.

Recommendations to the Security Council

13. The Working Group agreed to recommend the following to the Security Council:

Letter to the Government of the Democratic Republic of the Congo

(a) *Commending* the efforts undertaken by the Government of the Democratic Republic of the Congo, in cooperation with MONUC and UNICEF, with a view to halting the recruitment of children into the FARDC in line with the obligations of the Democratic Republic of the Congo under international law and with the previous conclusions of the Working Group;

(b) *Urging* it in this context to ensure that the integration of forces from the CNDP, the Mayi-Mayi militias and other armed groups into the FARDC does not lead to any new recruitment and use of children in the FARDC and is used as an opportunity to obtain the release of all children associated with those armed groups in a manner that allows effective confirmation by the task force on monitoring and reporting and provision of dedicated care and reintegration programmes to all those children, in accordance with Security Council resolutions 1539 (2004) and 1612 (2005) and in line with the national demobilization, disarmament and reintegration programme and the Paris Principles;

(c) *Welcoming* initiatives undertaken by the Government in collaboration with MONUC, UNICEF, the United Nations Population Fund and other child protection partners with a view to raising awareness and changing behaviours regarding violations and abuses committed against children, such as the launch of the nationwide advocacy campaign called "zero children associated with armed forces and groups" or the creation of a thematic group on sexual violence to enhance collaboration with the international community;

(d) *Welcoming also* efforts undertaken with the support of the international community with a view to raising awareness and building capacity of national security and judicial authorities regarding child protection issues, and recent steps taken by military and other jurisdictions in addressing impunity for crimes committed against children;

(e) *Stressing*, however, that more efforts are necessary by the security sector to prevent and address violations and abuses committed against children, and by the civilian and military justice sector to investigate and prosecute crimes committed against children more systematically, particularly concerning abuses such as attacks on civilians and widespread sexual violence, noting the high number of cases of such crimes and the need to address impunity in this regard, with the support and allocation of appropriate resources by the Government of the Democratic Republic of the Congo and through exploring further possibilities of collaboration with international partners in the field of transitional and post-conflict justice;

(f) *Encouraging* the strengthening of the consultative framework between the Government of the Democratic Republic of the Congo and the chairman of the country-level task force on monitoring and reporting, which should ensure the development of effective prevention methods and response activities to the abuses and violations committed against children;

(g) *Urging* the Government to adopt and implement a comprehensive national strategy to prevent, respond to and combat sexual violence, and to strengthen cooperation with the senior adviser and coordinator on sexual violence assigned to the Office of the Deputy Special Representative of the Secretary-General in MONUC.

Letter to the Secretary-General

(a) *Recalling* the mandate of MONUC to protect children, as defined in Security Council resolution 1856 (2008);

(b) *Requesting* the Secretary-General, with regard to the ongoing review of the MONUC mission, structure, civilian activities and deployments pursuant to resolution 1856 (2008), to continue to include adequate child protection capacity to implement Security Council resolution 1612 (2005);

(c) *Welcoming* initiatives undertaken by MONUC in partnership with UNICEF to improve child protection, raise awareness and change behaviours regarding violations and abuses committed against children, inter alia:

(i) The establishment with the Mixed Commission on Peace and Security of a process to provide assistance and facilitate the release of children under the Amani Programme;

(ii) The launch of regional child protection working groups bringing together in one forum child protection actors and partners;

(iii) The development of an accelerated common action plan to combat sexual and gender-based violence and the appointment of a senior adviser and coordinator on sexual violence;

(iv) The provision of technical support, advice and training to military prosecutors and military judicial police inspectors in the field of investigation and prosecution of grave violations and abuses committed against children;

(d) *Inviting* him to request the United Nations Development Programme, UNICEF and other relevant United Nations organizations, within their respective mandates and approved resources and in close cooperation with the Government of the Democratic Republic of the Congo, to continue to address socio-economic issues as a matter of priority in order to contribute to addressing the welfare of children affected by armed conflict through, inter alia, providing assistance to improve the implementation of rehabilitation and reintegration programmes and to strengthen the education system, including in conflict-affected areas;

(e) *Also inviting* him to consider addressing the long-term effects of armed conflict on children by supporting the development of a health-care system to facilitate their full recovery, including adequate attention to psychological care for all children affected by armed conflict and access to sexual and reproductive health services, in particular for victims of sexual violence;

(f) *Recalling* the request that MONUC share information with the Group of Experts established by Security Council resolution 1533 (2004), especially on the support received by armed groups, on recruitment and use of children and on the targeting of women and children in situations of armed conflict, in accordance with Council resolution 1857 (2008).

Letter to the Chairman of the Security Council Sanctions Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

Recalling the grave concern of the Working Group regarding the repeated violations and abuses committed against children by the persons named in the two most recent reports of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo and recommending the follow-up and further action concerning those individuals, in accordance with Security Council resolution 1857 (2008).

To the Security Council

(a) *Recommending* that the situation of children affected by armed conflict continue to be duly taken into account in considerations by the Security Council of the situation in the Democratic Republic of the Congo and be reflected in the terms of reference for the next field visit by the members of the Council to that country, taking also into consideration the conclusions of the Working Group in this regard;

(b) *Recommending also* that it ensure the continuation of a child protection mandate for MONUC, especially for monitoring and reporting, training and dialogue on action plans.

Direct action by the Working Group

14. The Working Group agreed that letters should be addressed:

To the World Bank and donors:

(a) *Requesting* the main donors to allocate funding to support reintegration activities for children (boys and girls) formerly associated with

armed forces and groups, emphasizing educational and socio-economic reintegration activities, with a view to preventing the re-enrolment of children in armed forces and groups by providing them with a viable alternative;

(b) *Encouraging* that reintegration strategies be in line with the Paris Principles; that they be multisectoral and sustainable in the long term through the provision of early, flexible and multi-year funding; that emphasis be placed on community-based approaches; that greater emphasis be placed on the psychosocial dimensions of reintegration; and that there be an increased focus on livelihood support, education and youth-oriented employment strategies, including for children with disabilities;

(c) *Recommending* that the situation of girls be given priority attention and resourcing with regard to reintegration strategies, to ensure that girls are given equal opportunity to engage in disarmament, demobilization and reintegration programmes;

(d) *Urging* donors to support the Government of the Democratic Republic of the Congo in implementing a comprehensive national strategy to prevent, respond to and combat sexual violence that also includes such key areas as combating impunity, protection and prevention, security sector reform and multisectoral assistance for victims;

(e) *Also urging* donors to assist in ensuring the enhanced capacity and technical expertise of judicial officials and other relevant authorities in dealing with cases involving children.